

EXHIBIT 5



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,487	08/21/2009	6505172	54848-5016-US	8473
70813 7590 10/23/2009 GOODWIN PROCTER LLP 901 NEW YORK AVENUE, N.W. WASHINGTON, DC 20001			EXAMINER POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			10/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
95/000,487 US	08/21/09	6505172	54848-5016-

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ART UNIT

PAPER

3992

DATE MAILED:

10/23/09

INTER PARTES REEXAMINATION COMMUNICATION

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,487	6505172	
	Examiner	Art Unit	
	JOSEPH R. POKRZYWA	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 21 August 2009

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 1-5 are subject to reexamination.
- 1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims 1-5 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
☐ been received. ☐ not been received. ☐ been filed in Application/Control No _____.
10. ☐ Other _____

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DETAILED ACTION

Reexamination

1. **Claims 1-5** of U.S. Patent Number 6,505,172 (hereafter the “172 Patent”) are the subject of this *inter partes* reexamination.

Listing of Prior Art

2. In the Request for Reexamination dated 8/21/2009, the Third Party Requester alleges that the ‘172 Patent **claims 1-5** are unpatentable in light of the following references:

- a. U.S. Patent Number 6,963,551, issued to Doyle *et al.* (noted as the “Doyle ‘551 Patent”);
- b. U.S. Patent Number 5,712,989, issued to Johnson *et al.* (noted as “the Johnson ‘989 Patent”);
- c. “A Practical Guide to SABRE Reservations and Ticketing”, written by Jeanne Semer-Purzycki, having a copyright date of 1992 (noted as the “SABRE Practical Guide”);
- d. “Reservations and Ticketing with SABRE”, written by Dennis Foster, having a copyright date of 1990 (noted as “Reservations and Ticketing”);
- e. SABRE Total Access, 1993 (noted as “SABRE Total Access”);
- f. SABRE Savvy 1993 (noted as “SABRE Savvy”);

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- g. J-CON Manual, Volume 1, published by Cooperative Computing Incorporated, April 1994 (noted as the "J-CON Manual");
- h. "J-CON System User's Manual, Vol. 3, Part-Finder", published by Cooperative Computing Incorporated, being dated 1989 (noted as "Part-Finder");
- i. "J-CON RDB Guide", published by Cooperative Computing Incorporated, being dated March 1993 (noted as the "J-CON RDB Guide");
- j. "Gateway 2000/MRO Version Manual" published by TSA incorporated, being dated May 1991 (noted as the "Gateway 2000/MRO Version Manual");
- k. "TSA Gateway Purchasing Manual", dated December 1993 (noted as the "Gateway Purchasing Manual");
- l. "TSA Gateway Inventory Processes User Manual", dated December 1993 (noted as the "Gateway Inventory Process Manual");
- m. "Gateway The Newsletter for Purchasing Automation", Vol. 3, issue 1, Jan. 1991 (noted as the "Gateway Newsletter, January 1991");
- n. "Gateway The Newsletter for Purchasing Automation", Vol. 3, issue 2, Apr. 1991 (noted as the "Gateway Newsletter, April 1991");
- o. "The TSA Gateway DOS Product Overview", 1993 (noted as the "Gateway DOS Product Overview");
- p. Gateshow demonstration program screenshots, 1993 (noted as the "Gateshow screenshots"); and
- q. P.O. Writer Plus V.10 Manual, 1993 (noted as the "P.O. Writer Plus Manual").

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Ground's for Rejection

3. The grounds for rejection of claims 1-5 of the '172 Patent are as follows:

Grounds raised by the Third Party Requester:

Ground#1.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 102(e) as being anticipated by the Doyle '551 Patent. This rejection of claims 1-5, as being anticipated by the Doyle '551 Patent, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Ground#2.

Claims 1 and 3-5 of the '172 Patent to be rejected under 35 U.S.C. 102(e) as being anticipated by the Johnson '989 Patent. This rejection of claims 1 and 3-5, as being anticipated by the Johnson '989 Patent, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Ground#3.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 103(a) as being unpatentable over the SABRE Practical Guide in view of Reservations and Ticketing, and further in view of SABRE Total Access and SABRE Savvy. As further discussed below, and being subject in Ground #4 below, the primary reference of the SABRE Practical Guide can be interpreted to teach each of the limitations of claims 1-5. Thus, the proposed rejection of claims 1-5 under 35 U.S.C. 103(a) as being an obvious combination of the SABRE Practical Guide, in view of